

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JIMMY FRANK CAMERON,)	
AIS #105591,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:07-CV-1049-WKW
)	
JAMES DELOACH, et al.,)	
)	
Respondents.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is pending before the court on a 28 U.S.C. § 2254 petition for habeas corpus relief filed on November 29, 2007, by Jimmy Frank Cameron [“Cameron”], a state inmate. In this petition, Cameron challenges convictions for second degree burglary, second degree receiving stolen property and second degree theft of property imposed upon him by the Circuit Court of Franklin County, Alabama on December 4, 1991.

DISCUSSION

This court “in the exercise of its discretion and in furtherance of justice” may transfer an application for writ of habeas corpus to “the district court for the district within which the State court was held which convicted” the petitioner. 28 U.S.C. § 2241(d). Cameron attacks convictions entered against him by the Circuit Court of Franklin County, Alabama. Franklin County is located within the jurisdiction of the United States District Court for the Northern District of Alabama. In light of the foregoing, the court concludes

that transfer of this case to such other court for review and disposition is appropriate.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be transferred to the United States District Court for the Northern District of Alabama pursuant to the provisions of 28 U.S.C. § 2241(d).¹

It is further

ORDERED that on or before December 17, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d

¹The court notes that the petitioner filed neither the \$5.00 filing fee nor an application for leave to proceed *in forma pauperis*. Nevertheless, under the circumstances of this case, assessment and/or collection of any filing fee should be undertaken by the United States District Court for the Northern District of Alabama.

33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 4th day of December, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE